

Senate Bill No. 642

CHAPTER 414

An act to amend Section 485 of, and to add Sections 5011 and 5012 to, the Food and Agricultural Code, relating to quarantines.

[Approved by Governor September 16, 2003. Filed
with Secretary of State September 17, 2003.]

LEGISLATIVE COUNSEL'S DIGEST

SB 642, Hollingsworth. Pest control.

Existing law provides for the control and eradication of pests by the use of various methods, including establishment of a quarantine area, and defines various terms with respect to these provisions. Existing law allows the Secretary of Food and Agriculture to enter into cooperative agreements with private and specified state and federal entities for various purposes that promote and enhance agriculture. Existing law provides that grant awards shall be made by the Department of Food and Agriculture, as specified, and that the procedures, forms, and guidelines for grant programs are exempt from procedural requirements applied to the adoption of rules and regulations.

This bill would require, if the secretary expends funds or awards grants for the study of protocols for crops to meet standards for transport out of a quarantine area, that primary consideration be given to crops that are most at risk from the imposition of a quarantine and for which protocols do not currently exist, as long as the application otherwise meets reasonable scientific standards. The bill would authorize the department to consult with individuals or representatives of the agriculture industry, and academic or scientific individuals, or organizations to establish criteria and assist in the recommendation of any expenditure of funds or the award of grants. This bill would also define the terms "crop" and "forage," as specified.

The people of the State of California do enact as follows:

SECTION 1. Section 485 of the Food and Agricultural Code is amended to read:

485. (a) The secretary may enter into cooperative agreements with private entities, and with boards, bureaus, commissions, or departments of this state or of the United States, for the purpose of administering compensation, conservation, disaster assistance, economic assistance, education, environmental enhancement, indemnification, market

promotion, research, and similar programs that promote and enhance agriculture.

(b) Upon appropriation by the Legislature, the secretary may receive and expend federal funds and any nonstate matching funds made available to the department for the purposes specified above via grant, interagency agreement, or otherwise, and these funds shall be administered in accordance with Section 221.

(c) (1) Grant awards shall be made by the department on a competitive basis established by the department wherever possible.

(2) Any grant awarded on an alternative basis that is not competitive shall comply with all applicable state requirements, orders, and guidelines.

(3) Decisions of the secretary relating to the award of grants shall be final.

(d) Procedures, forms, and guidelines established for these grant programs, including the application process, are exempt from Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(e) If the secretary expends funds or awards grants for the study of protocols for crops to meet standards for transport out of a quarantine area, the following shall apply:

(1) Primary consideration shall be given to crops that are most at risk from the imposition of a quarantine and for which protocols do not currently exist, as long as the application otherwise meets reasonable scientific standards.

(2) The department may consult with individuals or representatives of the agriculture industry, and academic or scientific individuals, or organizations to establish criteria and assist in the recommendation of any expenditure of funds or the award of grants.

SEC. 2. Section 5011 is added to the Food and Agricultural Code, to read:

5011. Unless otherwise provided in this code, for the purposes of pest management, “crop” means a plant or animal, or a product derived from a plant or animal, that can be grown and harvested for profit or for the subsistence of humans or animals.

SEC. 3. Section 5012 is added to the Food and Agricultural Code, to read:

5012. Unless otherwise provided in this code, for the purposes of pest management, “forage” means food for domestic or other wild animals that is taken by browsing or grazing, or food that wild or domestic animals take for themselves.

